

REMARKS:

Claims 1-6, 8-13 and 15-22 remain pending in this application.

Section 103 Rejections

The Examiner rejected all of the pending independent claims under U.S.C. § 103 based on Bannai, U.S. Patent No. 5,412,486, in view of Lane et al., U.S. Patent No. 5,377,051. Applicant traverses these rejections.

In the Office Action, the Examiner acknowledges that “Claim 1 differs from Bannai in that the claim further requires fetching a dynamically[-determined] extent of the corresponding frame data for each of at least one of the frames in the video stream, including a first dynamically-determined extent of corresponding frame data for a first frame, wherein the first dynamically-determined extent is less than the entirety of the frame data for the first frame.” Office Action at 3. The Examiner thus cites Lane in order to account for this acknowledged deficiency. *Id.*

Lane is directed to “a video recorder such as a video tape recorder (‘VTR’)” that includes a VTR recording circuit and a VTR playback circuit.” Lane (Abstract) and Figs 10(a) and 11. In Lane’s recording circuit, Lane records data using a “modulation circuit 320 [that] performs 8-10 modulation on the contents of each data block.” *See id.* at Fig 10a and 52:41-42. “Thus, 10 bits of data are generated by the modulation circuit 320 for each 8 bits of data in each data block.” *Id.* at 43-44. When Lane later plays back the data, a “demodulator circuit 401”, in playback circuit 400, “receives the data read by the heads 440 and demodulates the signal in accordance with the 8-10 modulation scheme used prior to recording of the data.” *See id.* at 52:65-68.

Applicant strongly disagrees with the Examiners assertion that Lane’s use of 8b/10b encoding teaches the features acknowledged to be missing from Bannai. As an initial matter, Applicant notes that Lane does not appear to have anything to do with “progressively-encoded” data, as in claim 1. Accordingly, it is not clear why one of ordinary skill in the art would be motivated to combine the techniques of Lane with those of Bannai.

In any event, even if Bannai and Lane were combined, the resultant combination would still not include the features acknowledged to be missing in Bannai. Simply put, Lane does not teach or suggest “fetch[ing] a dynamically-determined extent of the corresponding frame data” as recited in claim 1. Lane’s “demodulator 401” merely “generates 8 bits of data for every 10 bits of data received from the heads 440.” There is thus no notion in Lane of a “dynamically-determined extent” as in claim 1. Rather, Lane simply reads 10 bits at a time and decodes them back to their corresponding original 8 bits. Because Lane simply fetches 10 bit at a time, it cannot be said that these 10 bit groups are “dynamically-determined.” There is certainly no notion of in Lane of “wherein the first dynamically-determined extent is less than the entirety of the frame data for the first frame” as in claim 1. Accordingly, even if Bannai and Lane were combined as suggested by the Examiner, the resultant combination would not teach or suggest each and every feature of claim 1. Accordingly, a *prima facie* case of obviousness has not been established by the cited combination of references.

For at least these reasons, claim 1 and its dependent claims are believed to be patentably distinct over the cited references, and thus in condition for allowance. Independent claims 8 and 15 are believed to be patentably distinct over the cited references (along with their respective dependent claims) for at least reasons similar to those provided above in support of claim 1.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-63700/DMM.

Respectfully submitted,

Date: January 5, 2009

By: /Dean M. Munyon/
Dean M. Munyon
Reg. No. 42,914

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8847